

**TOWN OF ARLINGTON**  
**ZONING BOARD OF APPEALS**

**Date:** August 25, 2020

**Time:** 7:30 PM

**Location:** Remote Hearing, Zoom ID # 963 0583 7913

**Members in Attendance:** Christian Klein R.A., Chair, Patrick M. Hanlon, Kevin Mills, Shawn O'Rourke, Stephen Revilak, Aaron Ford.

**Minutes:**

**Attendance:** Stephanie Kiefer, Douglas Heim, Jenny Raitt, Rick Vallarelli, Gwen Noyes, John Hession, John Whitten, Scott Thornton, Bob Engler, Susan Chapnick, Dave Rogers, Brian Rehrig, Mrs. Preston, Clarissa Rowe, Patricia Brown, Mrs. Griffith, Aram Hollman, Don Seltzer, Emma Murphy, Mr. Haverty.

**Chair's Introduction:** Chairman Klein opened the meeting at 7:30 PM. After reading the rules for remote hearings and a roll call attendance, the meeting was underway.

**Administrative Item:** Members voted to approve the draft minutes from the August 11, 2020 hearing. Mr. Hanlon made a motion to approve pending clerical changes. Mr. Mills seconded.

Mr. Klein explained the ground rules for public hearings the asked for the status of the 180 day hearing schedule. Mr. Whitten explained that because there was no substantive material presented, the 180 days would start tonight. Ms. Kiefer disagreed however went along with Mr. Whitten's interpretation. The Board proceeded to take a vote declaring that the 180 day hearing schedule officially started tonight, August 25, 2020.

Mr. Whitten asked Ms. Kiefer if the documents that were presently under review were the documents that the petitioner will use going forward. In addition, Mr. Whitten asked Ms. Kiefer if she addressed his memo dated August 7, 2020. Ms. Kiefer said she did however was not in agreement with his assessment. This one on one exchange was quickly stopped by Chairman Klein. Ms. Kiefer reported that the March 2020 plans are in fact the current plans however the plans would be adjusted as the Board requests in an ongoing effort to comply.

Mr. Klein inquired about the Traffic Impact Study to which Ms. Kiefer reported that the

updated study was challenging due to the current Covid pandemic. Ms. Kiefer assured Mr. Klein that the study would be submitted prior to the hearing related to that topic. Mr. Klein asked Mr. Whitten if there were any items that the Board should be concerned about. Mr. Whitten thought the Traffic Study and Architectural Drawings were important. Mr. Whitten told Ms. Kiefer that the material should be submitted in a timely manner so all interested parties would have ample time to review.

Mr. Hanlon asked that this exchange between Ms. Kiefer and Mr. Whitten stop as it is taking up valuable time and offers nothing constructive with respect to the project at hand.

Ms. Kiefer proceeded to give a history of the project and an overview of the proceedings to date. Gwen Noyes, a project team member thanked the Board for their service and proceeded to explain the layout using the site plan. Ms. Noyes described the size of the location and showed the project would only use approximately one third of the land mass. The remainder of the land would be an asset to the town including access to Alwife Station and open space. Ms. Noyes explained how the project would be of modular construction using panels as opposed to conventional "stick building" thus minimizing time and site noise. In addition, Ms. Noyes detailed the layout of the buildings and reported that 25% of the 219 proposed units would be affordable housing.

John Hession, a senior partner with B.S.C. Engineering reported that his company now has a good accurate survey and wetlands delineation. Mr. Hession said he was familiar with the peer review and said he would address those concerns and submit the adjustments prior to the next discussion on that topic.

Scott Thornton told the Board that he is in the process of updating the Traffic Study with respect to Little John, Burch Street, and Massachusetts Avenue.

Mr. Hanlon was concerned about the accuracy of a Traffic Study during the pandemic. Mr. Thornton explained that they would not be collecting data now due to Covid but would be using data collected in 2018.

Conservation Commission Chair Susan Chapnick addressed many concerns involving state and local applications, local 40B Bylaw regulations, wetland applications and flooding. Ms. Chapnick urged the Board not to grant wetlands waivers because of the area and local flooding issues.

Mr. Revilak had questions regarding the 100 year floodplain especially the 6.8' elevation. Mr. Revilak also inquired about the projected flood elevation for the year 2070.

Mr. Klein asked Mr. Hession if he was familiar with the Route 2 culverts. Mr. Hession reported that they did look at them and the elevations were consistent. Mr. Hession did

not know if the culverts were open in answer to Mr. Klein's question.

Mr. Hanlon told all participants that waivers have to be justified supported by facts and the Board should be aware of consequences prior to the granting of a waiver.

Mr. Klein asked meeting host Doug Heim if there were any other Boards or Commissions that would like to speak. There were none.

Mr. Klein then opened the meeting up for public comment.

Public participants included: Dave Rogers, Brian Rehrig, Mrs. Preston, Clarissa Rowe, Patricia Brown, Jennifer Griffith, Aram Hollman, Don Seltzer, and Emma Murphy. Mr. Klein limited comment to 3 minutes each. The concerns with respect to public comment were the similar, they are: traffic, noise, parking, flooding, overcrowding, wetland disruption, dumping, affordable housing, climate change, narrow streets, access, fill, additional sewer usage, construction noise and vibration, and building heights.

At the conclusion of public comment, Mr. Klein and Ms. Keifer discussed the next hearing date. It was agreed that the next hearing date be October 13, 2020 at 7:30 PM. The Board voted to continue the hearing to October 13, 2020, via "Zoom" starting at 7:30 PM.

Mr. O'Rourke suggested that a motion be made to make sure the application is complete and brought into compliance within 30 days. Mr. O'Rourke pointed out that this was a recommendation by special counsel John Whitten.

Mr. Hanlon did not agree with this proposal. Mr. Klein modified Mr. O'Rourke's proposal and it was so voted.

**MEETING ADJOURNED 10:37 PM**